

REMARKS

In the above-identified Office Action, the Examiner has objected to Claim 1 because of a typographical error. This error has been corrected with the above amendments.

Claims 1-6 and 13-22 have been rejected as unpatentable over Chen et al. The Examiner states that Chen et al. teaches a combination of active agents, fluconazole and secnidazole or fluconazole and tinidazole. The active agents are found in paragraph 45 of Chen and constitute a listing of 3 pages and over 1,600 separate compounds. It is well known that there is no suggestion from the art or teaching by the art concerning a specific combination of agents, when a large number is suggested (In re. Ruschig, 154 USPQ 118 (CCPA 1967) Fujikawa v. Wattanasin 39 USPQ 1895 (Fed Cir 1996)). Certainly over 1,600 possible agents cannot be a suggestion that any two of specific compounds might be combined. As a result, Applicant does not believe that Chen et al. teaches or suggests the combination of active agents as required by Applicant's claims. Accordingly, claims 1-3, 5, 6, 13 and 15-22 are allowable over Chen et al.

Claims 1, 13-17, 19 and 21 have been rejected as unpatentable over Compton et al. Compton et al. teaches a flake which is suggested as a delivery vehicle for drugs. Compton et al. suggest that the flake may be used in connection with over 7,500 drugs which are listed on about 15 pages of the specification. As with Chen et al., such cannot be a teaching that two specific drugs, i.e. fluconazole and tinidazole or fluconazole and secnidazole may be combined as a pharmaceutical composition. The Examiner has stated that the drugs may be administered in doses of about 0.01mm/kg per day to 1000mg/kg per day. Compton et al. here is speaking of each of the over 7,500 active agents listed in his specification and, thus, such a broad range of dosages when combined with such a large number of active agents cannot be taken as a teaching

Selecting two specific compounds of the extensive list that is disclosed in Chen et al., as well as in Compton et al., cannot be achieved by routine experimentation. Once the components have been selected, the quantity of each component and the relationship between each component cannot be achieved by routine experimentation, varying and/or optimizing the % in weight in order to obtain the composition of a tablet of the subject invention.

Compton et al. teaches flakes, that among other characteristics, in length are three times its thickness. Compton et al. mentions that this flake can be administered in topical, oral or even injection form. In order to arrive at the subject invention from Compton et al., it would require a great amount of experimentation. Thus, it would not be obvious for a person skilled in the art to arrive at the present invention from Compton et al. Compton et al. does not explain how a tablet, such as that claimed herein, could be formulated nor does it suggest or disclose tests for obtaining physically and chemically stable formulations.

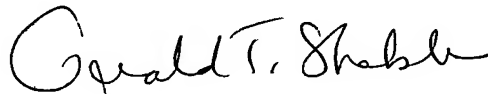
Chen et al. teaches the combination of a great variety of compounds but it does not specifically teach the compounds as used in current application nor demonstrate their feasibility.

Applicant hereby requests reconsideration and reexamination.

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With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below listed number,

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent.

Dated: March 21, 2008

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